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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,792	06/11/1999	EDWARD B. KNUDSON	UV-56	9835

7590

10/06/2003

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NEW YORK, NY 100201104

EXAMINER
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BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 10/06/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/330,792

Applicant(s)

KNUDSON, ET AL

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 43--61, 63, 65-85, 127-144, 146, 148-168, 210-230 & 232-252 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43--61, 63, 65-85, 127-144, 146, 148-168, 210-230 & 232-252 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/23/2003 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 43-44, 46-61, 63, 65-77, 127-128, 130-160, 210-211, 213-228, 230, 232-244 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young, (U.S. Pat # 4,706,121), in view of Schindler, (U.S. Pat # 5,995,155).

Considering claims 43, 127, & 210, the amended claimed interactive TV program guide system and method for displaying TV programs, in which TV programs are displayed on a

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user's TV equipment comprising a means for storing program listings for a plurality of channel and time slots is met by Young col. 9, lines 50-55 & col. 12, lines 12-18. As for the amended claimed means for allowing a user to select an option to record a plurality of TV programs in a series Young teaches a user at least making at least weekly or daily recording of TV programming. Whereas Schindler teaches that when recording a series, for the duplicate shows to be removed, col. 4, lines 15-25. Thus, for instance if the user is recording a syndicated series, then a plurality of TV shows are recorded, wherein the plurality is less than all of the shows in the series. It would have obvious for one of ordinary skill in the art at the time the invention was made, to modify Young with the teachings of Schindler, at least for the desirable improvement of avoiding the user watching a show that has already been recorded/watched.

Considering claims 44, 128 & 211, Young is directed to recording using user equipment.

Considering claims 46-48, 130-132 & 213-215, the EPG in Young is at least partially stored on a server, since it is transmitted from a server to subscriber. Furthermore Young teaches a user selecting TV programs for record/timer, col. 15, lines 21-40.

Considering claims 49-53, 133-136 & 216-220, Young teaches a plurality of record options for selecting episode or series of TV programs, col. 15, lines 20-40; col. 15, lines 60-67 & col. 16, lines 1-15.

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Considering claims 54, 137 & 121, Young also teaches reminder option, col. 15, lines 20-27.

Considering claims 55, 138 & 222, Young enables a user to record a single episode in a TV series, col. 15, lines 28-30.

Considering claims 56-59, 139-142 & 223-226, the claimed subject matter reads on the option in Young of recording all programs in TV series.

Considering claims 66-73, 75, 149-156, 158, 233-240 & 242, Young teaches that the user is enabled to update the list of programs to be selected for recording, wherein the list is displayed fro the user, col. 16, lines 18-38.

Considering claims 74, 76-77, 157, 159-160, 241 & 243-244, Young teaches that the scheduled recordings, episodes and/or series of TV programs may be deleted in the system, col. 15, lines 41-42 & col. 16, lines 28-37.

Considering claims 60-61, 63, 65, 143-144, 148, 227-228, 230 & 232, the claimed subject matter reads on the disclosure of Schindler recording first-run status programs. As for the feature of recording rerun programs, this feature is necessarily included in the operation of Young, which records all programs in the series.

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4. Claims 45, 129 & 212 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young & Schindler, in view of Lawler, (U.S. Pat # 5,805,763).

Considering claims 45, 129 & 212, Young does not teach recording at a server. However, Lawler teaches that a user optionally enabled to instruct a recording device at a head-end server to store a selected program, col. 10, lines 56-59. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Young with the feature of recording programs at a head-end server, as taught by Lawler, at least for the desirable advantage of preserving storage capacity at the user equipment.

5. Claims 78-85, 161-168 & 245-252 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young & Schindler, in view of Marsh, (U.S. Pat # 6,208,799).

Considering claims 78-85, 161-168 & 245-252, Young does not discuss the well-known problem of resolution of time conflicts, among reserved programs. However, Marsh discloses the known problem and solutions of the timing conflicts, Abstract & col. 11, lines 1-40. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Young with the teachings of Marsh resolving timing conflicts, at least for the desirable improvement of providing the subscriber with a more efficient recording process,

Regarding claims 84, 162, 167, 246 & 251, Official Notice is taken that at the time the invention was made, the simultaneous watch & record feature was known. It would have been

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obvious for one of ordinary skill in the art at the time the invention was made, to modify Young, Schindler & Marsh, not displaying conflicts when at least one program can be watched while the other is recorded, at least for the known purpose of avoiding concerning the subscriber unnecessarily with issues that can be resolved electronically.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Florin teaches user options when recording periodic programming.

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
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**or faxed to:**

(703) 872-9306, (for formal communications intended for entry)

**Or:**

(703) 746-6861 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")


*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399.  
The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the  
organization where this application or proceeding is assigned is (703) 872-9306 for regular  
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600